**In the High Court of Punjab and Haryana at Chandigarh**

**CRM-M No. 4311 of 2020 (O&M)**
**Date of Decision: 21.8.2020**

Harsh Preet Kaushal .....Petitioner

Versus

State of Haryana and another .....Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. P.S.Ahluwalia, Advocate and
Ms. Anupam Bhanot, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Puneet Bali, Senior Advocate with
Mr. Raja Paramdeep Saini, Advocate
for the complainant-respondent No. 2.

Ms. Puja Chopra, Advocate
for the applicant (in CRM-19618-2020).

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**HARNARESH SINGH GILL, J. (ORAL)**

Case is being taken up for hearing through video conferencing.

**CRM-19618-2020**

This is an application for impleading the applicant i.e. Cholamandalam Investment and Finance Company Limited as respondent in the present petition.

Heard.

No ground to implead the applicant as respondent to the present petition, is made out.

The application is dismissed.

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**CRM-M-4311-2020**

With the consent of the learned counsel for the parties, the case is preponed from 26.11.2020 and is taken up for hearing today itself.

This is a petition under Section 438 Cr.P.C. for anticipatory bail in case FIR No. 5 dated 07.1.2020, registered under Sections 406, 420, 120-B IPC, Police Station Chandimandir, District Pandhkula.

In the present case, the FIR in question was got registered on the complaint of Usha Singh alleging that on 01.8.2014, she had purchased House No. 9 in Tribune Mittar Vihar, Sector-29, Panchkula from Raj Sharma wife of Naresh Sharma but later on the complainant came to know that co-accused Raj Sharma and co-accused Naresh Sharma had taken a loan of Rs. 75,00,000/- from Cholamandalam Investment and Finance Company Ltd. out of which, Rs. 55,00,000/- was still outstanding. It has been further alleged that another letter dated 27.8.2019 was also received from Allahabad Bank, Mohali branch with regard to the default in the loan account. It has also been alleged that a notice dated 10.9.2019 was also received from the Arbitrator appointed by Cholamandalam Finance Company with regard to the loan agreement. Thus, the complainant, being a *bonafide* purchaser, had been cheated by the petitioner in conspiracy with the other co-accused as they had obtained a loan of Rs. 1,20,00,000/-, on the house purchased by the complainant, which is outstanding and this fact has been concealed from the complainant.

Vide order dated 31.1.2020, the petitioner was granted interim bail and he was directed to join the investigation.

On 13.8.2020, it has been stated that the petitioner and co-accused were ready to resolve the dispute and they were on the verge to

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conclude the settlement and the case was adjourned for today.

Affidavit of the petitioner dated 20.8.2020, has been filed through e-mail, which is taken on record.

Learned counsel for the petitioner states that the petitioner is ready and willing to comply with the agreement/settlement arrived with his brother who has now resiled from the settlement/agreement dated 20.8.2020.

Learned State counsel as well as learned senior counsel for the complainant have opposed the bail application.

I have heard the learned counsel for the parties.

The petitioner is the brother of Raj Sharma, seller and was the Ex-President of Tribune Mittra Vihar i.e. The Madanpura Cooperative Group Housing Society (Regd.) and re-allotment letter in the name of the complainant, was issued under the signatures of the petitioner even though the loan was outstanding against the said house.

The petitioner and co-accused have cheated the complainant by creating forged and fabricated documents and have, thus, caused wrongful loss to the complainant even after receiving full and final payment against the said house. The petitioner is involved in the criminal conspiracy and, thus, not entitled to any relief of anticipatory bail.

The petition is dismissed.

Interim bail granted vide order dated 31.1.2020 stands vacated.

**(HARNARESH SINGH GILL)**
**JUDGE**

**August 21, 2020**
**Gurpreet**

**Whether speaking/reasoned : Yes/No**
**Whether reportable : Yes/No**

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